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Rights of indigenous peoples: Second International Decade of the World's Indigenous People

Achievement of the goal and objectives of the Second International Decade of the World's Indigenous People

Report of the Secretary-General

Summary

The present report is the final report on the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People, following a midterm assessment in 2010 (A/65/166) and an assessment in 2012 (A/67/273). It provides examples of current efforts to achieve the objectives of the Programme of Action for the Second International Decade of the World's Indigenous People. One of the major highlights of the Second Decade was the adoption, in 2007, of the United Nations Declaration on the Rights of Indigenous Peoples. The present report also provides an analysis of the impact of the Second Decade on the achievement of the Millennium Development Goals. While there has been some progress in achieving the goals of the Second Decade, a substantial gap remains between the formal recognition of indigenous peoples and the implementation of policies on the ground. The post-2015 development agenda and the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, afford an opportunity to make indigenous peoples part of the solution and to build a life of dignity, equity and hope for all.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 67/153, in which the Assembly requested the Secretary-General, in collaboration with Member States and the United Nations system, to prepare a comprehensive last report on the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People, and its impact on the Millennium Development Goals, which would serve as an input to the preparatory process for the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, and to the discussion on the United Nations development agenda beyond 2015.

2. The information contained herein is drawn from reports submitted by Member States, United Nations agencies and indigenous peoples' organizations in response to a questionnaire circulated by the secretariat of the Permanent Forum on Indigenous Issues. Other information included is from previous reports submitted to the General Assembly and the secretariat of the Permanent Forum, official statements, documents and publications.

3. In its resolution 59/174, the General Assembly proclaimed the Second International Decade of the World's Indigenous People, beginning on 1 January 2005, with the theme "Partnership for action and dignity". The Secretary-General appointed the Under-Secretary-General for Economic and Social Affairs as Coordinator of the Second Decade. In its resolution 60/142, the Assembly adopted the Programme of Action for the Second International Decade of the World's Indigenous People as the guideline for action.

4. The five interlinked objectives of the Programme of Action are:

(a) Promoting non-discrimination and the inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects;

(b) Promoting full and effective participation of indigenous peoples in decisions which, directly or indirectly, affect their lifestyles, traditional lands and territories, cultural integrity as indigenous peoples with collective rights, or any other aspect of their lives, considering the principle of free, prior and informed consent;

(c) Redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples;

(d) Adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth;

(e) Developing strong monitoring mechanisms and enhancing accountability at the international, regional and, particularly, the national level regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

II. Assessment of the implementation of the goal and objectives of the Second International Decade of the World's Indigenous People

5. The Programme of Action is taken as a reference point for the analysis and assessment of the implementation of the goal and objectives of the Second Decade. Selected measures, programmes and initiatives are also highlighted as examples of good practice and may be relevant to several objectives.

A. Promoting non-discrimination and the inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects (objective 1)

6. The major achievement of the Second Decade was the adoption, in 2007, of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in its resolution 61/295. The Declaration establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of the world's indigenous peoples. It addresses both individual and collective rights, reiterates that indigenous peoples have the right to be free from any kind of discrimination and promotes their full and effective participation in all matters that concern them. It also ensures their rights to self-determination, to remain distinct and to pursue their own priorities in economic, social and cultural development. In this respect, the Declaration underscores the first objective of the Second Decade, of which the concept of non-discrimination, inclusion and equality within State and intergovernmental processes is a core element. The principle of equality can, in specific circumstances, require a State to take affirmative action in order to diminish or eliminate conditions that cause or help to perpetuate discrimination.

7. During the Second Decade, there have been some positive examples of efforts to combat discrimination. In the Congo, Act No. 5-2011 on the Promotion and Protection of the Rights of Indigenous Peoples was promulgated by the President on 25 February 2011, its development having begun in 2006. The wide-ranging forms of protection that it offers are consistent with the Declaration. More importantly, the law was developed in a participatory manner, including consultations with indigenous peoples themselves, the people of the Congo, international non-governmental organizations, United Nations agencies and relevant public institutions. It is the first of its kind in Africa and constitutes an important example of good practice in the region for the recognition and protection of the rights of indigenous peoples. The law specifically targets the disadvantaged conditions of indigenous peoples and promotes their collective and individual rights (see A/HRC/18/35/Add.5, paras. 12-13).

8. Another good example of work to promote non-discrimination and recognize the unique identities of indigenous peoples, in addition to promoting their participation, self-determination and inclusion in the implementation and evaluation of policies, resources, programmes and projects, is the National Congress of Australia's First Peoples, which was formally launched in May 2010. It provides national leadership in advocating recognition of the status and rights of Aboriginal and Torres Strait Islander peoples as First Nations peoples. Other examples include Japan and Greenland. In 2008, Japan recognized the Ainu people as the indigenous

peoples of Hokkaido. The Government set up an advisory council for future Ainu policy and established a council for Ainu policy promotion that is hosted by the Chief Cabinet Secretary and includes Ainu representatives. In 2009, with the inauguration of a new act on self-government, Greenland achieved greater self-determination within Denmark.

9. Access to justice, including combating discrimination in the criminal justice system, is of particular importance. The overrepresentation of indigenous peoples in the prison system is a global concern. Access to justice has been an area that relates to overcoming long-standing historical injustices and discrimination and the colonization and dispossession of the lands, territories and resources of indigenous peoples. Many States are now endeavouring to tackle discrimination in the criminal justice system. Article 63 of the Constitution of Paraguay states that, where there are jurisdictional conflicts, indigenous customary laws are to be taken into account. In November 2013, the United Nations Development Programme (UNDP) convened a meeting in Nicaragua on access to justice, at which the participants reiterated the importance of self-determination for indigenous peoples, including the recognition of indigenous justice systems, which have particular cultural and spiritual relevance for indigenous peoples.

10. The participation of indigenous peoples in the electoral system and the possibility of their being elected to parliaments and other decision-making bodies are increasing. In the Latin American context, there have been representatives elected from among indigenous communities, including the current President of the Plurinational State of Bolivia. Indigenous peoples have, however, largely been involved at the local, municipal and rural levels. Legal reforms to recognize the intercultural nature of States, the promotion of women's leadership, the establishment of mechanisms for binding political dialogue between indigenous peoples, private initiatives, parliaments and Governments and the recognition of intercultural democracies are necessary steps that are conducive to the full participation of indigenous peoples (see E/C.19/2014/6, paras. 13 and 75-76).

11. The parliament of New Zealand has seven Maori seats. This distinctive feature dates back to the Maori Representation Act of 1867, which initially created four such seats. In Burundi, to ensure the political integration of the Batwa indigenous peoples, the Constitution and the Electoral Code explicitly recognize the protection and inclusion of minority ethnic groups within the general system of government. The Constitution sets aside three seats in the National Assembly and three seats in the Senate for Batwa peoples. Article 2 of the Constitution of Mexico recognizes the right of indigenous peoples and communities to elect their own authorities and representatives. In the Congo, funding from the United Nations Indigenous Peoples' Partnership financed a multimedia campaign that resulted in 2,773 indigenous women voting, four times the number of indigenous women who voted in the elections in 2007.

12. Constitutional reforms are an essential step towards ensuring the recognition, inclusion and promotion of the rights of indigenous peoples. Several countries have been reforming their constitutional systems, with some recognizing the individual and collective rights of indigenous peoples. The interim Constitution of Nepal, adopted in 2007, defines Nepal as a multi-ethnic, multilingual, multi-religious and multicultural country and recognizes 59 indigenous nationalities. Articles 56 and 57 of the Constitution of Ecuador, adopted in 2008, acknowledge an intercultural and

plurinational State and recognize 21 collective rights. In the Plurinational State of Bolivia, the United Nations Declaration on the Rights of Indigenous Peoples has been incorporated into national law through Act No. 3760. The Constitution of Kenya of 2010 recognizes historically marginalized groups, including pastoralists and hunter gatherers that identify themselves as indigenous peoples, and provides an array of civil, political, socioeconomic and collective rights that have relevance to them. In June 2014, El Salvador amended the Constitution to recognize indigenous peoples and committed itself to adopting public policies that maintain and develop their indigenous identity. Other countries, including Australia, Chile and New Zealand, have publicly expressed the intention to consider constitutional changes that recognize indigenous peoples.

13. The creation of institutions and the allocation of resources for the implementation of national laws, policies, programmes and projects is a measure of the degree of commitment of Governments to not discriminating against and including indigenous peoples. Ministries and departments have been established specifically to implement national policies on indigenous issues in many countries, including New Zealand (Ministry for Maori Affairs) and the Bolivarian Republic of Venezuela (Ministry of Popular Power for Indigenous Peoples). In terms of funding, the European Union supports the participation of indigenous peoples in United Nations meetings through the European Instrument for Democracy and Human Rights. In the Plurinational State of Bolivia, a fund under the responsibility of a board composed of indigenous peoples' organizations manages 5 per cent of direct tax on hydrocarbons and, in 2013, provided grants for projects benefitting indigenous peoples. In 2013, Malaysia invested $29 million for infrastructural development for the benefit of indigenous peoples.

14. The use of indigenous languages in the public sector is essential to ensuring that laws, regulations and policies are understood. While several Member States are taking measures to revive indigenous languages, such as Japan, which is revitalizing the Ainu language, or are promoting the use of indigenous languages, such as Paraguay, which recognizes both Spanish and Guarani as official languages, indigenous languages are in general rarely understood and spoken by the non-indigenous population. In 2012, a language rescue plan in Chile established, through intercultural bilingual education, more than 450 educational complexes where civil and public officials are instructed in indigenous languages. In Finland, the Sami Language Act (1086/2003) guarantees the right of the Sami to use their own language before the courts and other authorities. There is also an obligation for public authorities to promote the linguistic rights of the Sami and not simply focus on interpretation and translation.

15. The promotion of indigenous media has played a key role in preserving ancestral languages and reaffirming the culture and identity of indigenous peoples. In Ecuador, the Government is implementing a programme to enhance community radio in the territories of 13 nationalities by training indigenous communicators and journalists to operate their own community radio stations. The Maori broadcasting sector has grown rapidly over the past two decades and currently includes radio, television and related e-media, which has successfully contributed to the revitalization of the Maori language. A UNDP project on communication for the empowerment of indigenous peoples in Asia has contributed to the formulation of country programmes seeking to enhance democratic spaces for indigenous peoples in Cambodia, Indonesia, the Lao People's Democratic Republic, Nepal and the

Philippines. The International Fund for Agricultural Development (IFAD) supported a small project implemented in Malaysia. Radio serves as a tool to address social exclusion, promote community development, encourage cultural and linguistic sustainability and increase education and training opportunities for local indigenous peoples.

B. Promoting full and effective participation of indigenous peoples in decisions which, directly or indirectly, affect their lifestyles, traditional lands and territories, cultural integrity as indigenous peoples with collective rights, or any other aspect of their lives, considering the principle of free, prior and informed consent (objective 2)

16. The full and effective participation of indigenous peoples in matters relating to their collective rights lies at the intersection between articles 3 and 18 of the United Nations Declaration on the Rights of Indigenous Peoples, which affirm the right of indigenous peoples to self-determination and to freely pursue their economic, social and cultural development and the right to participate in decision-making in matters which would affect their rights, respectively. By Executive Order No. 13647 of 26 June 2013, the President of the United States of America established the White House Council on Native American Affairs with the aim of ensuring that the federal Government would engage in a more coordinated and effective government-to-government relationship with federally recognized tribes.

17. In Latin America, some countries recognize the importance of consultation with indigenous peoples. Following the promulgation in September 2011 of Act No. 29785 on the Right of Indigenous or Aboriginal Peoples to Prior Consultation, Peru moved to implement it through regulations approved by Supreme Decree No. 001-2012-MC. A methodological guide for consultation with indigenous peoples was prepared and training programmes on the right to consultation were offered to both indigenous peoples and government officials. In the Plurinational State of Bolivia, following the promulgation of Act No. 222 of 10 February 2012 on Consultation of Indigenous Peoples of the Isiboro-Sécure Indigenous Territory and National Park, processes of prior consultation were undertaken in cases beyond extractive projects, including infrastructure development. On 15 November 2013, Chile adopted Supreme Decree No. 66/2013, which regulates the procedure for consultation with indigenous peoples pursuant to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO), after an intense process of consultation with indigenous peoples that began in March 2011. At the same time, Chile clarified that consultation did not include the right of indigenous peoples to veto. Ecuador is continuing to work on an organization act on consultation with communes, communities, peoples and nationalities, which will regulate, through an internal law, the application of free, prior and informed consent. The Mexican National Commission for the Development of Indigenous Peoples organized a consultation on the priorities for the development of indigenous peoples, which resulted in a national development plan covering the period 2013-2018. Consultations have also been undertaken on the evaluation of environmental impacts of infrastructural projects such as the "independence aqueduct", in which 70 Yaqui indigenous peoples participated.

18. In Asia, the Philippines National Commission on Indigenous Peoples, created in 1997 in the framework of the Indigenous Peoples' Rights Act (one of the first national laws specific to the rights of indigenous peoples), promulgated in 2012 revised guidelines on the exercise of free prior and informed consent and related processes, which include consent by indigenous peoples. On the basis of a series of nationwide public hearings, in August 2013 the Human Rights Commission of Malaysia issued a report on the land rights of indigenous peoples in which it recommended that indigenous customary rights to land should be recognized and called for the establishment of an independent national commission on indigenous peoples.

19. In recognition of the unique rights and potential vulnerabilities of indigenous peoples, performance standard No. 7 of the International Finance Corporation was revised in 2012 to require the free, prior and informed consent of indigenous peoples in certain circumstances where they were directly and adversely affected. In 2013, the Corporation undertook its first assessment of a project applying the free, prior and informed consent principle under the revised performance standards, with the Pacific Infrastructure oil and gas company in Colombia, and proposed solutions to avoid negative impacts on the community. The Regional Office for Central America of the Office of the United Nations High Commissioner for Human Rights (OHCHR), together with the Office of the Resident Coordinator, supported the consultation process initiated by the Government of Costa Rica with indigenous peoples affected by the El Diquís hydroelectric project. At the request of the Government of Panama, the Regional Office and the Resident Coordinator also facilitated negotiations with indigenous peoples affected by a legislative proposal to regulate mining and hydroelectric development in indigenous territories. During peace negotiations to end conflict in Nepal, ILO provided support to the dialogue process that led to the peace agreement, including the ratification of ILO Convention No. 169.

20. Indigenous peoples experience displacement and relocation from their traditional territories and dispossession of their lands and resources by both government-led and private-led projects in such areas as extractive industries, logging, large-scale plantations, megaprojects and dams. In such situations, national and regional courts have advanced the implementation of the United Nations Declaration on the Rights of Indigenous Peoples by affirming the collective rights of indigenous peoples. In its decision No. 35/PUU-X/2012, the Constitutional Court of Indonesia found that customary forests were no longer State forests, thereby recognizing the right of indigenous peoples to manage the lands in which they live. In February 2010, the landmark ruling by the African Commission on Human and Peoples' Rights in the land rights case of the Endorois people condemned the expulsion of the Endorois from their ancestral lands around Lake Bogoria in Kenya. In October 2007, the Supreme Court of Belize, in *Aurelio Cal et al v. Attorney General of Belize*, made use of the Declaration and other international instruments to interpret the Constitution and affirm the rights of indigenous Mayans' customary tenure to land and to instruct the Government to refrain from any act that might prejudice their use or enjoyment of that land.

21. Within the United Nations system, there have been several initiatives and models regarding consultations with indigenous peoples. In the context of the continuing process to review and update safeguards, the World Bank has since March 2013 held consultations and a global dialogue with indigenous peoples to

strengthen its engagement process. The African Development Bank convened its first historic Forum on Indigenous Peoples' Development Issues in February 2013, designed to create a space for indigenous peoples and other stakeholders to set the tone for the Bank's future engagement with indigenous peoples. The Global Environment Facility Indigenous Peoples Advisory Group, established in 2013, represents a step forward in implementing the Facility's principles and guidelines for engagement, adopted in 2012, by enhancing dialogue among indigenous peoples, partner agencies, the secretariat and other experts.

22. The participation of indigenous peoples at the international level is increasing and becoming more effective, with United Nations agencies facilitating participation at meetings. These include the United Nations Voluntary Fund for Indigenous Peoples, which is administered by OHCHR, the Voluntary Fund for Accredited Indigenous and Local Communities of the World Intellectual Property Organization and other funding arrangements for meetings under the auspices of the Convention on Biological Diversity and the Climate Investment Funds.

23. At the request of the Human Rights Council, in 2012 the Secretary-General submitted a report on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them (A/HRC/21/24). Detailed therein are the difficulties that representatives of indigenous peoples may encounter in participating in the work of the United Nations and the current rules and practices in relation to such participation, irrespective of whether organizations have consultative status with the Economic and Social Council as non-governmental organizations. As a result of such difficulties, indigenous peoples' organizations have been unable to participate in important United Nations meetings and events on issues directly relevant to them. It is concluded therein that the participation of indigenous peoples in the work of the United Nations has been a positive experience for the Organization and has enabled historically excluded peoples to work together peacefully and in partnership with States to advance their issues and elaborate their rights. The Secretary-General sets out issues to be considered with regard to implementing a procedure to enable representatives of indigenous peoples to participate in the work of the United Nations, including a suggestion to establish a working group to provide guidance on possible procedural and institutional steps.

C. Redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples (objective 3)

24. Indigenous peoples have called for a human rights-based approach to development that respects their culture and identity, including their individual and collective rights (see E/C.19/2010/14). In Latin America and the Caribbean, there has been elaboration of indigenous concepts and practices of development, such as "living well", translated as *sumak kawsay* and *sumaq qamaña* in the Quechua and Aymara languages of the Andes. Such principles promote interculturality and imply living together in a community and in harmony with nature. Both Ecuador and Nicaragua, for example, have endorsed the principle of living well, with Nicaragua developing intercultural systems of health care and education that reflect the

cosmovision of indigenous peoples. Chile has created programmes for intercultural health so that hospitals and other health-care services can integrate traditional indigenous practitioners, traditional health-care systems and ancestral medicine.

25. At the global level, several United Nations entities and intergovernmental organizations have been redefining their own development policies, either by developing corporate strategies, strategic frameworks and policies or by implementing specific projects and initiatives that respect the cultural and linguistic diversity and development priorities of indigenous peoples. The Food and Agriculture Organization of the United Nations, IFAD, the United Nations Environment Programme and UNDP have all developed policies on engagement with indigenous peoples. In 2009, the IFAD Executive Board approved a policy that prescribes the application of free, prior and informed consent and the enhancement of community-driven development approaches in its programmes and projects. UNEP endorsed policy guidance on indigenous peoples in 2012 and is currently developing its environmental, social and economic sustainability safeguards, which include a policy regarding indigenous peoples. Since 2008, the United Nations Educational, Scientific and Cultural Organization has identified indigenous peoples as one of the priority groups in its medium-term strategy. The United Nations Population Fund (UNFPA) developed a corporate strategy on indigenous issues in 2011, with a focus on addressing inequalities and promoting sexual and reproductive health and rights.

26. United Nations agencies have also taken initiatives to protect indigenous traditional knowledge and genetic resources. The Food and Agriculture Organization of the United Nations is incorporating the traditional knowledge of indigenous peoples, especially in its work relating to community-based forest management in the Peruvian Amazon and to fire management in the United Republic of Tanzania. The United Nations Educational, Scientific and Cultural Organization, under its programme on local and indigenous knowledge systems, has implemented community-based participatory projects to support the transmission of indigenous knowledge. At its tenth meeting, the Conference of the Parties to the Convention on Biological Diversity adopted the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. It also adopted the Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity in order to guide the development of models for research, access to, use, exchange and management of information concerning traditional knowledge.

27. Indigenous peoples are increasingly concerned about the effects of development on their lands, territories and natural resources and the challenges to the realization of their individual and collective rights. Mega-development and infrastructure projects, including projects carried out by extractive industries for mining and logging, among others, can often cause displacement, destruction and dispossession, without compensation and in disrespect of the right to free, prior and informed consent. A member of the Permanent Forum on Indigenous Issues produced a consolidated report on extractive industries and their impact on indigenous peoples (E/C.19/2013/16), drawing on the work of the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples, in which he recommended the establishment of

mechanisms for dialogue and negotiation between Governments, private companies and indigenous peoples on an equal basis. Private companies that operate or seek to operate on or in proximity to indigenous lands should adopt codes of conduct that bind them to respect the rights of indigenous peoples to land, territories and resources in accordance with relevant international instruments, in particular the United Nations Declaration on the Rights of Indigenous Peoples. On the basis of the guiding principles developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, companies have, at the very least, the duty to comply with international standards relating to the human rights of indigenous peoples (ibid., paras. 60, 63, 85 and 89).

28. Indigenous peoples have been proactive in participating in international conferences in order to advance their rights and influence the outcome of development processes that may affect their lives and communities. For example, they participated in the formal negotiation of the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in 2012. They were also involved in the framework of the International Conference on Population and Development beyond 2014 global review through the first session of the Regional Conference on Population and Development in Latin America and the Caribbean, held in Montevideo in August 2013. Indigenous women have also achieved greater capacity to engage in advocacy and influence processes relating to the work of the Commission on the Status of Women. At the fifty-sixth session of the Commission, they advocated the adoption of resolution 56/4, entitled "Indigenous women: key actors in poverty and hunger eradication".

D. Adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth (objective 4)

29. The concept of interculturality described above has been applied in targeted policies and programmes for indigenous peoples, especially in Latin America and the Caribbean. National education policies and curricula have been reformed to include an intercultural perspective that integrates both indigenous learning systems and traditional knowledge. The Government of Burkina Faso has introduced schooling for nomadic children through the creation of mobile schools. In Ecuador, the Intercultural Education (Organization) Act revitalized ancestral knowledge for the development of an intercultural society within the intercultural bilingual education system. In 2013, Mexico established a model of intercultural education. The Plurinational State of Bolivia is implementing the Avelino Siñani-Elizardo Perez Act, which envisages the interplay between a basic plurinational curriculum, a regionalized curriculum and a diversified curriculum that is culturally, linguistically and territorially appropriate. In Chile, the National Indigenous Development Corporation has implemented more than 150 intercultural kindergartens that received school materials relating to indigenous cultures and, in 2012, it modified the curricular bases to adapt them to the learning need of indigenous pupils. New Zealand has implemented a strategy covering the period 2013-2017 that aims to increase the use of the Maori language in education. In Norway, the Kindergarten

Act states that kindergartens must take account of children's social, ethnic and cultural background, including the language and culture of Sami children.

30. In the area of health, several countries have integrated the culture and traditional knowledge of indigenous peoples into public health policies and plans at the national, regional and local levels. In Malaysia, mobile health units such as village health teams and the flying doctor service have increased access to almost 90 per cent of indigenous peoples living in remote areas. In Paraguay, the 2008 national policy on indigenous health, which was later gave rise to a directorate for indigenous health, highlighted the need to establish family care units and to employ indigenous personnel. Ecuador is promoting culturally appropriate deliveries in public hospitals and is revitalizing the role of midwives in the national health system. In Australia, work is under way on a new social and emotional well-being framework for Aboriginal and Torres Strait Islander peoples that recognizes the importance of connections to culture in the health of indigenous peoples. On 19 December 2013, the Plurinational State of Bolivia adopted the Ancestral Bolivian Traditional Medicine Act with the objective of regulating the exercise and practice of traditional ancestral medicine in the national health system.

31. Indigenous young people continue to face political, social and economic challenges, including poverty, marginalization and unemployment. In January 2013, at an expert group meeting organized by the secretariat of the Permanent Forum on Indigenous Issues, indigenous youth experts expressed concern about society's lack of awareness and misrepresentation of the histories, cultures and current circumstances of indigenous peoples. They called for education systems to teach history and social diversity more thoroughly and accurately. In May 2013, the United Nations Children's Fund (UNICEF), in collaboration with the secretariat of the Permanent Forum and the Global Indigenous Youth Caucus, launched an adolescent-friendly version of the United Nations Declaration on the Rights of Indigenous Peoples targeting persons between 13 and 18 years of age. UNICEF was also instrumental in working with the Committee on the Rights of the Child on general comment No. 12 on the right of the child to be heard, which spells out what could be done to increase the participation of indigenous young people. ILO pays particular attention to indigenous women, children and young people through various programmes, including on child labour, forced labour and domestic violence. Several projects provide internships to young indigenous peoples at ILO. At the national level, Greenland and the UNICEF office in Denmark entered into a cooperation agreement in August 2010. In 2012, the first children's rights institution with a spokesperson for children was established in Greenland.

32. In 2009, Paraguay established a support unit for indigenous children and adolescents that addresses the situation of street children and young people. Australia funds diversionary programmes for indigenous children to help them to avoid incarceration and to tackle the incidence of petrol sniffing in remote indigenous communities. The Ministry of Education of the Plurinational State of Bolivia provides annual scholarships to students with limited financial resources and there are special quotas for indigenous students in the indigenous universities. Indigenous children and young people in Chile can apply to an indigenous grants programme, designed to assist indigenous students financially. In Finland, the Ministry of Education and Culture has taken long-term measures to support the activities of young Sami people as part of the overall youth policy. A youth council

set up in 2010 in connection with the Sami parliament aims to improve the living conditions of young Sami people and to promote their active citizenship.

33. Indigenous women suffer from triple discrimination: discrimination as women, discrimination as indigenous women and discrimination for being the face of poverty. In 2013, ILO, UNICEF, UNFPA, the United Nations Entity for Gender Equality and the Empowerment of Women and the Office of the Special Representative of the Secretary-General on Violence against Children undertook a joint study on violence against indigenous girls, adolescents and young women. Drawing on examples from Africa, Asia and the Pacific and Latin America, they found that violence against indigenous girls and women was heightened because of the history of colonial domination, dispossession of indigenous peoples, economic and political exclusion and the lack of basic services such as health care, schooling and birth registration. Critical gaps in knowledge and data on violence against indigenous girls, women and adolescents were evident. In 2014, the Mexican National Commission for the Development of Indigenous Peoples developed homes run by indigenous women to prevent and eradicate violence against women with an intercultural approach, strengthening gender equality within the indigenous population and co-funding leadership programmes for indigenous women. Internationally, the Fund for Gender Equality, through its programme on strengthening governance systems and indigenous women's networks, has increased the participation, visibility and leadership capacity of indigenous women at the local, regional and international levels.

34. As recognized by the General Assembly, the United Nations system should enhance coordination towards a more coherent, comprehensive and integrated approach to the rights of indigenous peoples. The Inter-Agency Support Group on Indigenous Peoples' Issues was established to support and promote the mandate of the Permanent Forum on Indigenous Issues within the United Nations system. In 2009, the United Nations agencies in Latin America and the Caribbean established an inter-agency regional support group on indigenous issues with the objective of raising awareness of the United Nations Declaration on the Rights of Indigenous Peoples, exchanging experiences and establishing space for dialogue and participation between indigenous peoples and Governments. In February 2014, United Nations regional directors met in Panama and urged the resident coordinators to constitute an inter-agency group in each country. Such initiatives represent good practice in institutionalizing the attention that the agencies dedicate to indigenous peoples' issues and could be replicated in other regions.

35. The United Nations Indigenous Peoples' Partnership was launched in May 2011. Featuring UNFPA, ILO, OHCHR, UNICEF and UNDP, it is the first global inter-agency initiative to support country efforts to advance the rights of indigenous peoples. Six country projects were approved by its policy board in October 2011, along with a regional programme, and Partnership-funded projects have contributed to increasing capacity to tackle indigenous peoples' issues at the country level.

E. Developing strong monitoring mechanisms and enhancing accountability at the international, regional and, particularly, the national level regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives (objective 5)

36. In his annual report to the General Assembly (A/68/317), the Special Rapporteur on the rights of indigenous peoples elaborated on the factors debilitating the commitment and action by States and other actors with regard to implementing the United Nations Declaration on the Rights of Indigenous Peoples. Together with promoting good practices and addressing cases of alleged human rights violations through the communications procedure, the Special Rapporteur contributed to building constructive dialogues with Governments, indigenous peoples, non-governmental organizations, United Nations agencies and others, in addition to achieving greater responsiveness to the human rights concerns of indigenous peoples and assisting States and other actors to tackle those concerns.

37. The Inter-American Commission on Human Rights has affirmed the rights of indigenous peoples through the individual petition system, the granting of precautionary measures and the development of specialized in-depth studies and reports. The jurisprudence of the Commission, including cases such as *Mayagna (Sumo) Awas Tingni community v. Nicaragua* (2001) on property rights and *Saramaka People v. Suriname* (2007) and *Kichwa Indigenous People of Sarayaku v. Ecuador* (2012) on free, prior and informed consent, illustrates some of the recurrent problems that indigenous peoples continue to face.

38. The African Commission on Human and Peoples' Rights, and specifically its Working Group on Indigenous Populations/Communities in Africa has been central to the advancement of the rights of indigenous peoples in Africa. The reluctance of States and other major stakeholders regarding the applicability of the concept of indigenous peoples in Africa notwithstanding, the Commission and the African Court on Human and Peoples' Rights are significant in strengthening the judicial and quasi-judicial protection system of human and peoples' rights on the continent. The Working Group continues to undertake promotion missions, research and information visits, hold awareness-raising seminars and send urgent appeals to States parties to the African Charter on Human and Peoples' Rights.

III. Impact of the Second International Decade of the World's Indigenous People on the Achievement of the Millennium Development Goals

39. While Member States have put significant effort into attaining the Millennium Development Goals, indigenous peoples have been largely invisible in the process. The Permanent Forum has devoted much attention to the Goals, with its fourth session, in 2005, focusing on Goals 1 (eradicate extreme poverty and hunger) and 2 (achieve universal primary education) within the context of indigenous peoples' issues. At its fifth session, in 2006, the participants considered redefining the Goals. During the sessions, many indigenous peoples stressed the need to redefine the implementation of the Goals to better incorporate their needs and perspectives. Indigenous peoples from developed countries expressed their view that the Goals

did not include them because they were seen by their Governments to be a matter for foreign policy and international aid programmes.

40. The secretariat of the Permanent Forum conducted desk reviews of national efforts to attain the Millennium Development Goals in 2006, 2007, 2008 and 2013/2014 to determine the degree to which indigenous peoples were considered in the reports and included in the drafting, implementation and monitoring of the Goals. It concluded that the Goals had not taken full account of the specificities of indigenous peoples and that the indicators on progress, by measuring national averages, had failed to capture the specific situation of indigenous peoples. Indigenous peoples are largely invisible in the implementation, monitoring and evaluation of the Goals. In the 2013 report on assessing progress in Africa towards the Goals, the theme was food insecurity, but there were no specific references to indigenous peoples. The report clearly shows that the lack of disaggregated data on ethnic origin, agricultural practices, language, rural/urban areas and, most importantly, indigenous/non-indigenous identity makes it more difficult to target regional or continental initiatives that can improve the lives of indigenous peoples in Africa.

41. The report for Asia and the Pacific, while not specifically mentioning indigenous peoples, contains several references to ethnic minorities and marginalized communities. It is indicated that inequality is also a growing concern, with income inequality evident between groups living in urban and rural environments, men and women and ethnic groups. Significantly, in the base model for the post-2015 agenda, it is suggested that the next sustainable development goals should "track inequality and exclusion by monitoring the distribution and progress at the 'bottom-end' across goals and targets through disaggregated data (along the lines of gender, ethnicity, location, etc.) to ensure that no one is left behind".[1] Another important priority in the report relevant to indigenous peoples was the suggestion that the post-2015 development agenda include mitigation and adaptation strategies vis-à-vis climate change.

42. In the report of Colombia on efforts to attain the Goals, the world's first national framework for realizing indigenous peoples' rights in response to the Millennium Declaration was created with the inclusion of five new goals relevant to indigenous peoples. In reference to Goal 1, it is emphasized that the territories with the highest levels of poverty are those in which there are many indigenous peoples. Other initiatives reported in reference to Goal 1 have indicated that targeted programmes are critical to eradicating poverty, as demonstrated by the San Development Programme that has played a key role in the reduction of poverty for indigenous peoples in Namibia. Under Goal 1, Brazil has implemented two projects, "Bolsa familia" and "Carteira Indigena", the first to support the needs of nearly 56,000 indigenous families and the second to support food security, income generation and cultural enhancement projects proposed and implemented by indigenous peoples themselves. The major challenge faced by the Government, however, is to adapt the programme to the sociocultural realities of the various ethnic groups who benefit from the initiative.

[1] Asian Development Bank, Economic and Social Commission for Asia and the Pacific and United Nations Development Programme, *Asia-Pacific Aspirations: Perspectives for a Post-2015 Development Agenda — Asia-Pacific Regional MDGs Report 2012/2013* (2013), p. 62.

43. Several reports include a warning of the potential adverse effects of development objectives relating to economic growth and the extraction of natural resources. With regard to Namibia, in terms of Goal 7, mention was made of the successful implementation of a community-based natural resource management programme, a rights-based policy and legislation founded on the premise that, if resources have sufficient value to local people and they are allowed exclusive rights, they will use the resources more sustainably. In respect of Bangladesh, it is noted that some progress has been made with regard to Goal 7 in that participation in the social forestry programme has increased, although this could also have undesirable effects for indigenous peoples. With regard to Guyana, it is underlined that, although the low-carbon development strategy resulted in consultations with more than 220 communities, free, prior and informed consent was not sought from indigenous peoples. Similar shortcomings are also found in the strategy with regard to reducing emissions from deforestation and forest degradation.

44. While most of the reports do not include disaggregated data on indigenous peoples, that of Paraguay presents a methodology to measure the poverty line that has been adjusted by disaggregating data into four consuming domains, including rural areas, which provides some indication of poverty among indigenous households. The report contains some information on indigenous peoples with references to statistical native language variant. On this basis, there is an ethnic determinant to poverty. It is stated that 24.1 per cent of the people whose mother tongue is Spanish live in poverty, while 45.7 per cent of the people whose mother tongue is an indigenous language live in poverty and 13.5 per cent in extreme poverty. Furthermore, poverty is even more insidious for indigenous women.

45. In 2012, for the first time in Chile, the Goals were measured specifically for the indigenous population, in order to allow for a better focus of public policies. Regarding Goal 1, inequality remains, a general improvement of the indicators for both indigenous and non-indigenous population notwithstanding. At the national level, the percentage of the population living on less than $1.25 per day fell from 10 per cent in 1990 to 1.5 per cent in 2009, while for the indigenous population the figure fell from 10 to 2.7 per cent. This progress notwithstanding, indigenous women fall behind in most of the indicators, for example in the rate of participation in the labour market or in economic participation.

46. Some reports include data disaggregated by major ethnic group, or rural/urban population or uplands/lowlands population. For example, in the upland areas of the Lao People's Democratic Republic, where most of the indigenous peoples live, villages account for 25 per cent of the total population, yet represent 39 per cent of the poor. For Goal 4, children from remote ethnic groups have an under-5 mortality rate that is twice as high as those from lowland ethnic groups.

47. At the international level, besides the four indicators for traditional knowledge established by the Conference of the Parties to the Convention on Biological Diversity, few indicators have been articulated with a view to monitoring the specific conditions of indigenous peoples. The Statistics Division has been developing a system of environmental-economic accounts that, if further enhanced and implemented at the country level, may represent a significant turning point in the development of a coherent and integrated set of indicators for monitoring the situation and well-being of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including within the

framework of the new post-2015 development agenda. In addition, OHCHR is developing a framework for human rights-based indicators under which the Declaration could be made operational.

48. With the Goals coming to an end, and the process to define a new post-2015 development agenda under way, it is important to ensure that indigenous peoples are included. A common vision for the post-2015 development agenda calls for a human rights-based approach to development, taking into account issues of equity and sustainability. The principles of participation, accountability, non-discrimination, equity and linkages to international legal standards, including the United Nations Declaration on the Rights of Indigenous Peoples, should guide policies and actions in this regard. Real partnerships for development must be established. To achieve an accurate understanding of poverty and well-being from the perspective of indigenous peoples, it is necessary to have revised indicators of poverty that capture the specific perceptions and views of indigenous peoples and to collect disaggregated data.

IV. Conclusions and recommendations

49. The implementation of the Second Decade has achieved some major successes, such as the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Constitutional and legislative frameworks that recognize indigenous peoples, including targeted policies and programmes, have been developed in some countries. There continues, however, to be a gap between the formal recognition of indigenous peoples and the implementation of policies on the ground.

50. Indigenous peoples' own forms of governance need to be recognized and strengthened by Member States. Indigenous peoples continue to face difficulties when it comes to influencing public policy, while indigenous women face even greater barriers in participating in policy decisions. Discriminatory practices exist at every level of society, from the family and community level to the level of State institutions. This only exacerbates marginalization and economic exclusion. Greater political participation is being called for by indigenous young people, who are increasingly and significantly participating through information and communications technology at both the community and State levels.

51. Disparities in access to opportunities for indigenous women, children and young people continue to exist. Furthermore, priority must be given to indigenous persons with disabilities, given that they face barriers, what with being indigenous and having disabilities, and often live on the margins of society, frequently within their own indigenous communities.

52. The post-2015 development agenda provides an opportunity to develop indicators to measure the progress of development initiatives that address the needs of indigenous peoples. Intergovernmentally agreed outcome documents must pay particular attention to the situation of indigenous peoples and Governments need to make commitments in this regard. Sustainable development can be achieved only if the full and effective participation of indigenous peoples in matters that concern them or may affect them is

guaranteed. For this purpose, indigenous governance structures and institutions must be strengthened.

53. In view of the successes and gaps identified at the national and international levels in the achievement of the goal and objectives of the Second Decade, the following recommendations are made:

(a) Establish a third international decade of the world's indigenous people, in pursuance of the goal of fully and effectively implementing the United Nations Declaration on the Rights of Indigenous Peoples;

(b) In accordance with articles 41 and 42 of the Declaration, there is a need to institutionalize mechanisms for international coordination and cooperation on issues relating to indigenous peoples, such as the Inter-Agency Support Group on Indigenous Peoples' Issues, which can be replicated at the regional and national levels;

(c) Recognize indigenous peoples as distinct peoples and not as marginalized and vulnerable groups in both the sustainable development goals and the post-2015 development agenda and develop appropriate goals and targets that specifically recognize the rights and priorities of indigenous peoples;

(d) Recognize and strengthen indigenous peoples' own forms of governance and representatives in order to establish constructive dialogue and engagement with international and national authorities, public officials, the private sector and transnational corporations, through participatory mechanisms that uphold the right to free, prior and informed consent;

(e) In recognition of the crucial role of United Nations country teams, ensure the full and effective application in programming of the United Nations Development Group guidelines on indigenous peoples' issues, adopted in February 2007, so that the priorities of indigenous peoples are included in common country assessments/United Nations development assistance frameworks and in future monitoring and reporting tools on the post-2015 development agenda;

(f) Establish a United Nations system-wide action plan to promote the rights of indigenous peoples and their development priorities and needs, to be included among the priorities for the five-year action agenda of the Secretary-General;

(g) Establish mechanisms to ensure the effective participation of indigenous peoples at all levels of the United Nations that take into account the distinct identity of indigenous peoples through their governance bodies, including indigenous parliaments, assemblies, councils or other bodies representing the indigenous peoples concerned.